

FLSB BANKRUPTCY LAWYERS ADVISORY COMMITTEE

Meeting with Judges September 5, 2019

Meeting commenced at 3:05 p.m.

Present at the meeting: Zach Shelomith, Robin Weiner, Robert Furr, Gerard Kouri, Laila Gonzalez, Leyza Blanco, Heidi Feinman, Rilyn Carnahan, Eric Silver, Michael Johnson, Ross Hartog, Nadine White-Boyd, Ashley Bruce, Annika Miranda

Not present: Jeffrey Fraser (but gave report to Leyza)

Agenda previously emailed.

APPROVAL OF MINUTES

Minutes from May 16, 2019 meeting approved

SUBCOMMITTEE REPORTS:

1. Review of change of law firm procedures/comparison to Middle District procedures:
(Jeff)

Been in touch with the Clerk of Court, trying to work on a Local Form regarding substitution of counsel with Local Rules Committee; according to Clerk, Court not able to incorporate batching of substitution of counsel at this time.

M.D. Fla. procedure emailed to Committee.

2. Revised Chapter 11 Fee Guidelines: (Robert, David, Nadine, Heidi)
Question raised whether Local Rule Committee was doing anything regarding revising fee guidelines; there were not but asked LAC to submit ideas, if any; no further updates available

Suggestion made to have sub-committee meeting prior to next meeting with the Judges.

3. Pretrial orders issued in adversary proceedings: (Ross, Rilyn, Annika)
Working with Local Rules Group to get a consensus and redraft the form; this subcommittee worked with Scott Grossman on draft forms; believe the Local Rule deadline was July 31, 2019; all believe Judge Mora's clerk was working on submissions for discussion

Process would include a 2 part order: the Summons would set a status conference and at the status conference, the Court would set the pre-trial hearing; after discussion with (at time) New Judge to be, Scott Grossman, subcommittee would support this process.

Local Rules were modified accordingly.

E-discovery addresses as well using the Middle District rules as a guideline; information will be circulated and anyone has an issue, should let Leyza know prior to the next meeting so Chief Judge Isicoff is prepared to discuss.

Leyza notes that this Committee needs to make a separate report to the Bench, irrespective of what the Local Rules Committee actually does.

OLD BUSINESS:

1. Restrictions on making changes to mailing matrices: (Rilyn)
Laila found nothing that would allow for striking recipients from matrix; Rilyn contacted Middle District Clerk as well—there have no procedures to remove such names. It seems that attorneys are just making deletions themselves and including notations.

Suggestion made that we discuss with the Bench for their views of this issue.

With respect to undeliverable addresses, Nadine submits that filing a Notice of Address Change should fix the problem going forward; wonders if this could be incorporated into the Local Rules.

Will be placed on the November agenda.

2. Dual contracts/unpaid Debtor's counsel fees in Chapter 7 cases: (Rilyn)
Because motion needs to be brought before Court for a resolution, this matters is concluded at this time.
3. Chapter 13 fee report to the Court:
Committee sent information by separate email.
4. No Look Fee:
Court has approved the recommendations effective September 1, 2019.

Minutes and Court:

Leyza reported that once the meeting minutes are approved, she sends the minutes to Chief Judge Isicoff with a cover email; because of the 3 months lag between meetings; there appears to be a delay in reporting to the Court. Judge Isicoff suggested circulating draft minutes prior to approval OR have an electronic approval to prevent a delay in reporting to the Court.

Leyza suggests that upon finalizing and emailing meeting minutes, they will be emailed with 5 business days for changes or revisions. If we need to discuss any changes or revisions, we will have further discussion. If no changes they will be approved. The Committee agrees to follow this procedure as long as they are consistent with the Bylaws.

NEW BUSINESS

Peter Kelley and Steve Newburgh formed a pro se help desk on Chapter 13 days to give limited advice to help through the hearings. Pro se debtors are required to sign an appropriate affidavit; Laila noted that on Chapter 13 calendars in Miami, a pro bono table is set up; appears

to have positive reactions; Judges are very receptive to this and plan on rolling out the pro se held desk in all counties beginning Pro Bono Week (October 21, 2019).

BBA will put out a pledge for 100% participation in pro bono cases

Eric Silver thinks Pro Bono Committee has all of this under control.

Court asked Leyza to write something for the Courthouse Beacon which will be in next issues.

Reminder that the best way for us to be effective is to have issues; members to remind the Bar about our existence.

FUTURE MEETING DATES FOR 2019:

Reminder November 8, 2019 meeting will be at Court Conference Room immediately following View From the Bench. Leyza will send Agenda out prior to the meeting.

Meeting adjourned 3:52 p.m.